



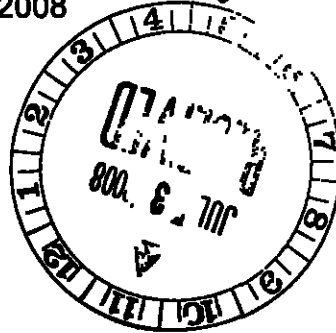
Gabriel S. Meyer  
Assistant General Attorney

July 1, 2008

**Via UPS Second Day**

The Honorable Anne Quinlan  
Acting Secretary  
Surface Transportation Board  
395 E Street, SW  
Washington, DC 20024

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222739

**RE: STB Docket No. AB-33 (Sub-No. 262X)--Abandonment and  
Discontinuance of the Elm Industrial Lead in Fulton and Peoria  
County, IL**

Dear Secretary Quinlan:

Pursuant to the Board's exemption procedures for abandonment of rail lines with no local business for at least two years (49 C F R 1152.50), enclosed are an original and ten (10) copies of a verified Notice of Exemption, including a Certificate of Service and Publication. Please file the Notice of Exemption in Docket No. AB-33 (Sub-No. 262X)

Also enclosed is a credit authorization voucher in the amount of \$3,700.00 for the filing fee. Please contact me if you have any questions.

**FILED**  
JUL - 3 2008  
SURFACE  
TRANSPORTATION BOARD

Sincerely,

Gabriel S. Meyer

**FEE RECEIVED**  
JUL - 3 2008  
SURFACE  
TRANSPORTATION BOARD

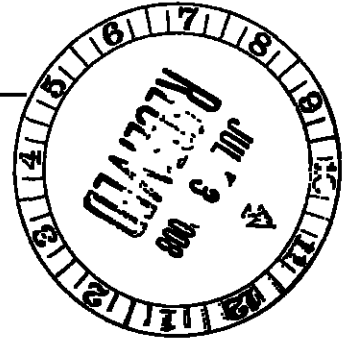
Enclosures

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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Docket No. AB-33 (Sub-No. 262X)

UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
IN FULTON AND PEORIA COUNTIES, ILLINOIS  
(ELM INDUSTRIAL LEAD)



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Notice of Exemption

UNION PACIFIC RAILROAD COMPANY  
Gabriel S. Meyer  
Assistant General Attorney  
1400 Douglas Street  
STOP 1580  
Omaha, NE 68179  
(402) 544-1658  
(402) 501-3393 (FAX)

Dated: July 1, 2008  
Filed: July 3, 2008

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**Docket No. AB-33 (Sub-No. 262X)**

**UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
IN FULTON AND PEORIA COUNTIES, ILLINOIS  
(ELM INDUSTRIAL LEAD)**

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**Notice of Exemption**

Union Pacific Railroad Company ("UP") submits this verified Notice of Exemption pursuant to 49 § C F R 1152, Subpart F -- Exempt Abandonments and Discontinuances of Service and Trackage Rights for an exempt abandonment and discontinuance of service over the Elm Industrial Lead, from Milepost 461.5 near Middle Grove to Milepost 486.2 at Molitor Junction, a distance of 24.7 miles in Fulton and Peoria Counties, Illinois (the "Line")

**Proposed Consummation Date: 49 C.F.R. § 1152.50(d)(2)**

The discontinuance and abandonment are proposed to be consummated on or after August 22, 2008 (at least 50 days after filing the Notice of Exemption)

**Certification: 49 C.F.R. 1152.50(b)**

UP certifies that no local traffic has moved over the Line for at least two years. UP further certifies that no formal complaint filed by a user of rail service on the Line (or filed by a state or local governmental entity acting on behalf of such user) regarding

cessation of service over the Line either is pending with the Board or any U S District Court, or has been decided in favor of the complainant within the two-year period. The subject Line has not been used for freight traffic for at least two years. There is no overhead traffic over the Line. Therefore, there is no necessity to reroute any traffic.

**Additional Information Required: 49 C.F.R. 1152.22(a)(1)-(4), (7)-(8) and (e)(4)**

**(a) General.**

**(a)(1)** The railroad's exact name is Union Pacific Railroad Company

**(a)(2)** UP is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105

**(a)(3)** UP intends to abandon the Elm Industrial Lead from Milepost 461.5 near Middle Grove to Milepost 486 2 at Molitor Junction, a distance of 24 7 miles in Fulton and Peoria Counties, Illinois

**(a)(4)** A map showing the location of the Line in conjunction with other rail lines, highways and major roads in the area is attached hereto as **Exhibit A** and is hereby made a part hereof.

**(a)(7)** The representative to whom correspondence regarding this abandonment should be sent is.

Gabriel S Meyer  
Assistant General Attorney  
1400 Douglas Street  
STOP 1580  
Omaha, NE 68179  
(402) 544-1658  
(402) 501-3393 (FAX)

**(a)(8) ZIP Code.**

The Line traverses U. S. Postal Service Zip Codes 61529, 61531, 61536, 61569, and 61604.

**(e)(4) Rural and Community Impact**

The Line was originally constructed in 1882 and 1883 by the Peoria and Farmington Railway. The 2.5 miles of track at the Molitor Junction (eastern) end of the Line is comprised of 100-pound jointed rail put down in 1930, while the balance of the Line is comprised of 100-pound jointed rail installed from 1942 through 1944.

The right-of-way proposed for abandonment could be suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. However, due to the limited population in the area, there appears to be no need for such uses of the right-of-way. The Line contains approximately 29 acres of reversionary property.

There are no shippers on the Line, and no commodities have originated or terminated on the Line for over two years. No overhead traffic uses the Line. No complaints regarding cessation of service have been filed at the Board, are pending, or have been decided in favor of a complainant in the past two years. The Line's abandonment will have no effect on local or regional transportation systems, and no traffic will be diverted to other transportation systems.

Based on information in the UP's possession, the Line contains no federally granted rights-of-way. Any documentation in UP's possession will be made available promptly to those requesting it.

### **Labor Protection**

The interests of railroad employees will be protected by the conditions discussed in Oregon Short Line Railroad Co. -- Abandonment -- Goshen, 360 ICC 91 (1979)

### **Certifications**

Attached as **Exhibit B** is a Certificate of Service and Publication pursuant to the notice requirements of 49 C F R §§ 1152.50(d)(1), 1105.11 and 1105.12.

### **Environmental and Historic Report**

A copy of the Transmittal Letter of UP's Combined Environmental and Historic Report ("CEHR") containing the information required by 49 C.F.R §§ 1105.7 (e) and 1105.8, and delivered in accordance with 49 C.F.R. 1105.11, is attached hereto as **Exhibit C** and hereby made a part hereof. The original and ten (10) copies were filed with Ms. Victoria Rutson, Section of Environmental Analysis (SEA), on June 9, 2008. A description and color photographs of the three bridges on the Elm Industrial Lead which are over 50 years old were sent to the Illinois State Historic Preservation Officer for evaluation.

Dated this 1st day of July, 2008.

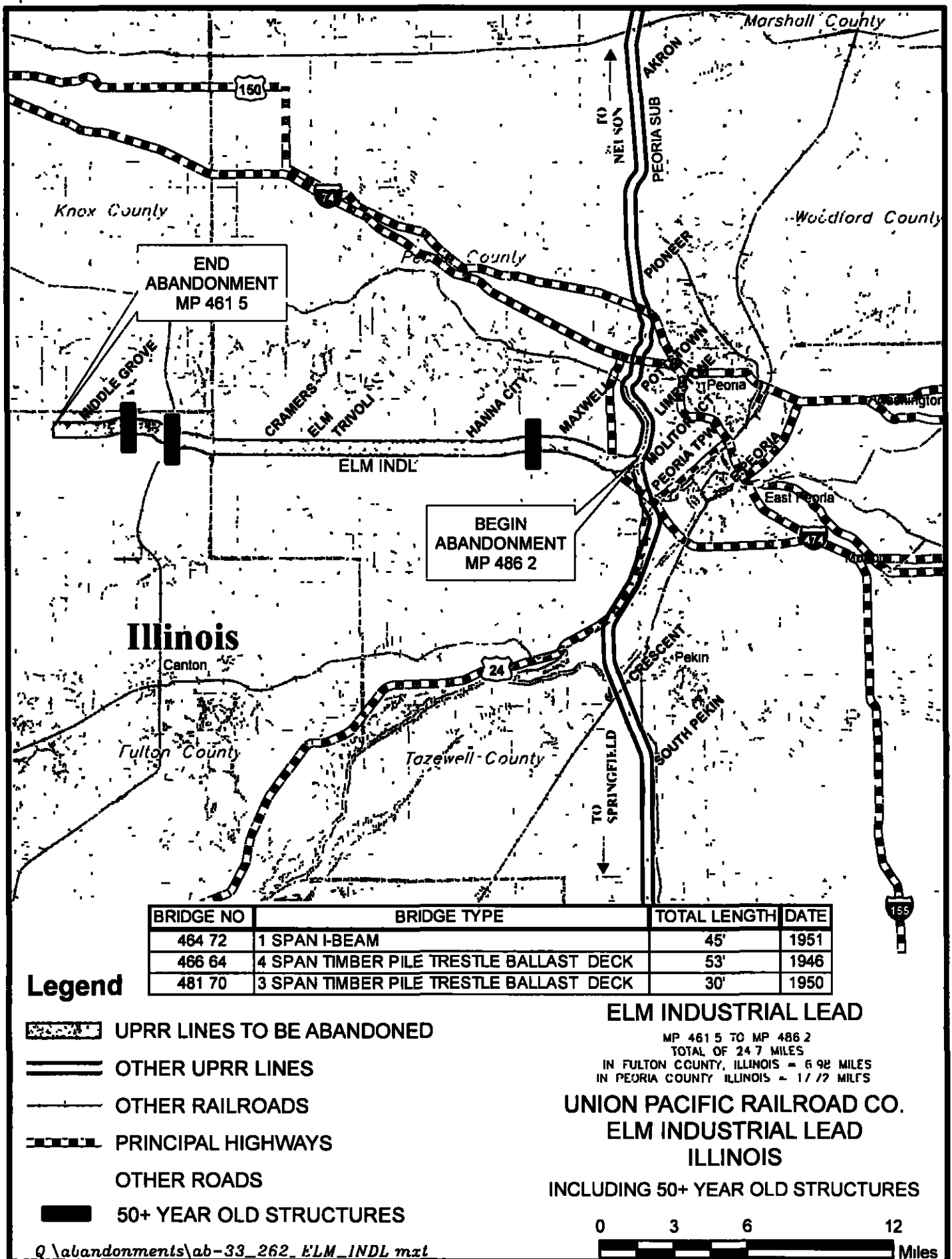
Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY



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Gabriel S. Meyer  
Assistant General Attorney  
1400 Douglas Street  
STOP 1580  
Omaha, NE 68179  
(402) 544-1658  
(402) 501-3393 (FAX)



**DOCKET NO. AB-33 (SUB-NO. 262X)**  
**Elm Industrial Lead in Fulton and Peoria Counties, Illinois**

**CERTIFICATE OF SERVICE AND PUBLICATION**

**49 C.F.R. § 1152.50(d)(1) - Notice**

The undersigned certifies that on June 23, 2008 (at least 10 days before a Notice of Exemption is filed), written notice was given of Union Pacific's intent to use the exemption notice procedure to abandon and discontinue service on the Elm Industrial Lead from Milepost 461.5 near Middle Grove to Milepost 486.2 near Molitor Junction, a distance of 24.7 miles in Fulton and Peoria Counties, Illinois in Docket No AB-33 (Sub-No. 262X). Written notice (a copy of which is attached hereto as Attachment 1) was served on the following.

Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, IL 62701

Midwest Regional Office  
National Park Service  
1709 Jackson Street  
Omaha, NE 68102

Illinois Department of Transportation  
2300 S. Dirksen Parkway  
Springfield, IL 62764

U.S. Department of Agriculture  
Chief of the Forest Service  
4th Floor, N.W., Auditors Building  
14th St. & Independence Ave., SW  
Washington, DC 20250

Department of Defense  
Military Traffic Management Command  
Transportation Engineering Agency  
Railroads for National Defense Program  
720 Thimble Shoals Blvd., Suite 130  
Newport News, VA 23606-2574

**49 C.F.R. § 1105.11 -**

The undersigned certifies that on June 9, 2008 (at least 20 days before a Notice of Exemption is filed), a Combined Environmental and Historic Report pursuant to 49 C.F.R. §§ 1105.7 and 1105.8 was served in Docket No. AB-33 (Sub-No. 262X) for abandonment and discontinuance of the Elm Industrial Lead in Fulton and Peoria Counties, Illinois on the following:



- (1) State Clearinghouse (or alternate)
- (2) State Environmental Protection Agency
- (3) State Coastal Zone Management Agency
- (4) Head of each County
- (5) U.S. Environmental Protection Agency (regional office)
- (6) U S Fish and Wildlife Service
- (7) U.S. Army Corps of Engineers
- (8) National Park Service
- (9) U S. Natural Resources Conservation Service
- (10) The National Geodetic Survey
- (11) State Historic Preservation Office
- (12) Other Agencies Consulted (as listed)

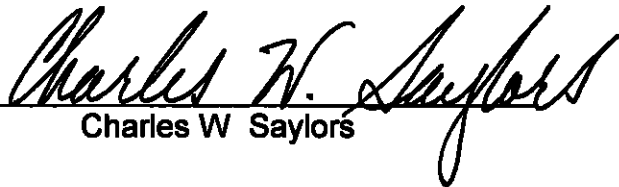
(The Certificate of Service attached to the Combined Environmental and Historic Report lists the names and addresses of the federal, state and local agencies served.)

**49 C.F.R. § 1105.12 - Newspaper Notice**

The undersigned further certifies that a "Notice of Intent to Abandon was published in the form prescribed by the Board for a Notice of Exemption. The notice was published one time in a major newspaper in the county in which the Line is located as follows

<u>County</u>	<u>Newspaper</u>	<u>Date</u>
Fulton and Peoria	<i>Journal Star</i>	June 27, 2008

Dated this 1st day of July, 2008

  
Charles W Saylor



222595  
Gabriel S Meyer  
Assistant General Counsel

June 9, 2008

**Via UPS 2nd Day Air**

Surface Transportation Board  
395 E Street, SW  
Washington, DC 20024

ENTERED  
Office of Proceedings

JUN 12 2008

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**Attention: Victoria Rutson**

**Re: Proposed Abandonment of the Elm Industrial Lead, from Milepost 481.5 to Milepost 486.2—STB Docket No. AB-33 (Sub-No. 262X)**

**Dear Ms Rutson**

Enclosed for filing in the above-referenced matter is the original and ten (10) copies of Union Pacific Railroad Company's Combined Environmental and Historic Report prepared pursuant to 49 C F R Sections 1105.7 and 1105.8, with a Certificate of Service and a transmittal letter pursuant to 49 C F R Section 1105.11.

Union Pacific anticipates filing a Notice of Exemption in this matter on or after July 1, 2008. Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Gabriel S Meyer".

Gabriel S Meyer

**Enclosures**